

C/M

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:	
GLENN W. REBENSTORF,	:	
	:	
Plaintiff,	:	<u>ORDER</u>
	:	
- against -	:	15 Civ. 5784 (BMC)(MDG)
	:	
CORRECTION OFFICER JEFFREY GRANT,	:	
Shield # 18559,	:	
	:	
Defendant.	:	
-----	X	

COGAN, District Judge.

This case is before me on *pro se* plaintiff's objections to the Report and Recommendation ("R&R") of Magistrate Judge Marilyn D. Go, dated December 2, 2016, in which she recommended denial of plaintiff's motion to vacate the parties' written settlement agreement. Familiarity with the R&R is assumed, but to summarize, Judge Go recommended denial of the motion because plaintiff's mental condition is not a sufficient basis for vacating the settlement agreement. Plaintiff has objected to the R&R on essentially the same grounds that he raised before Judge Go.

Pursuant to 28 U.S.C. § 636(b)(1)(C), I can "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." The standard of review applicable to this decision is *de novo*, *id.*; see U.S. v. Romano, 794 F.3d 317, 340 (2d Cir. 2015), except that the clear error standard applies if a party merely reiterates his original arguments. Chime v. Peak Sec. Plus, Inc., 137 F. Supp. 3d 183, 187 (E.D.N.Y. 2015); DePrima v. N.Y.C. Dep't of Educ., No. 12-CV-3626, 2014 WL 1155282, at *3 (E.D.N.Y. Mar. 20, 2014).

Plaintiff raises no new arguments in his objections. There is no credible evidence that plaintiff was unable to understand the terms of the settlement agreement to which he voluntarily agreed. I therefore adopt the Report and Recommendation in full, and the motion to vacate is denied.

SO ORDERED.

U.S.D.J.

Dated: Brooklyn, New York
December 8, 2016